

Message

From: Graff, Jaimie [Graff.Jaimie@epa.gov]
Sent: 5/4/2021 3:38:42 PM
To: McKim, Beverly [Mckim.Beverly@epa.gov]
CC: Hadley, Angela [Hadley.Angela@epa.gov]; Steenbock, John [Steenbock.John@epa.gov]; Goss Eng, Alison [GossEng.Alison@epa.gov]
Subject: Re: fyi- animal testing

Will do.
I'll forward the communication about Region 9, too.
Cheers,
Jaimie

Sent from my iPhone

On May 4, 2021, at 11:36 AM, McKim, Beverly <Mckim.Beverly@epa.gov> wrote:

Jaimie,

Please include John and Alison on your correspondence.

Thanks so much,
Beverly

From: Graff, Jaimie <Graff.Jaimie@epa.gov>
Sent: Tuesday, May 4, 2021 10:31 AM
To: McKim, Beverly <Mckim.Beverly@epa.gov>; Hadley, Angela <Hadley.Angela@epa.gov>
Subject: Fwd: fyi- animal testing

FYI, just keeping you in the loop re : current correspondence.
Do not want to leave my chain of command out.
J

Sent from my iPhone

Begin forwarded message:

From: "Orme-Zavaleta, Jennifer" <Orme-Zavaleta.Jennifer@epa.gov>
Date: May 4, 2021 at 10:26:28 AM EDT
To: "Graff, Jaimie" <Graff.Jaimie@epa.gov>
Subject: RE: fyi- animal testing

Isn't that the truth! sigh

Jennifer Orme-Zavaleta, PhD (she/her/hers)
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development

US Environmental Protection Agency

DC 202-564-6620

Cell Ex. 6 Personal Privacy (PP)

From: Graff, Jaimie <Graff.Jaimie@epa.gov>
Sent: Tuesday, May 4, 2021 10:22 AM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Subject: Re: fyi- animal testing

Shorthand: If it's cute, it's probably USDA covered.

J

Sent from my iPhone

On May 4, 2021, at 10:15 AM, Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov> wrote:

Ok, thanks

Liz, for a 9:30

Jennifer Orme-Zavaleta, PhD (she/her/hers)
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620

Cell Ex. 6 Personal Privacy (PP)

From: Graff, Jaimie <Graff.Jaimie@epa.gov>
Sent: Tuesday, May 4, 2021 9:58 AM
To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Cc: Cascio, Wayne <Cascio.Wayne@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>; Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>
Subject: Re: fyi- animal testing

Good morning, Jennifer.

It's much easier to say what is not covered by the Animal Welfare Act. Rats of the genus *ratus* and mice of the genus *mus* bred for research are not covered. So a mouse bred and purchased for research is not covered, but a field mouse collected for research is covered. Birds are sort of not covered— they are supposed to be, but there hasn't been a mechanism to do so built yet so they are not practically covered. Lizards, amphibians, fish and invertebrates are not covered. Whether the research is performed in the lab or the field is immaterial.

This description with all its exceptions applies **only** to the Animal Welfare Act and Regulations as administered by the USDA. (USDA covered species)

The Health Research Extension Act of 1985 extended government regulation and oversight to **all vertebrates** used in research, teaching or testing supported by federal funding. EPA was a signatory on the Principles that eventually became this act.

Cheers,
Jaimie

Sent from my iPhone

On May 4, 2021, at 9:30 AM, Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov> wrote:

Thanks Jamie, this is helpful. Can you share the list of USDA covered species?

Jennifer Orme-Zavaleta, PhD (she/her/hers)
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620

Cell Ex. 6 Personal Privacy (PP)

From: Graff, Jaimie <Graff.Jaimie@epa.gov>

Sent: Tuesday, May 4, 2021 9:00 AM

To: Cascio, Wayne <Cascio.Wayne@epa.gov>; Robbins, Chris <Robbins.Chris@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>

Cc: Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Graff, Jaimie <Graff.Jaimie@epa.gov>

Subject: RE: fyi- animal testing

Good morning;

Legislation about adoption and other non-euthanasia disposition methods is a pretty hot political topic, and generally has bipartisan support. Last count I heard had some 52 different pieces of legislation across levels of government advocating for different methods of disposition.

To date, most of the focus has been on USDA covered species, meaning not rats or mice bred for research, birds, or "cold blooded" animals like fish.

As for what other agencies do: It's a mixed bag, but the majority of other institutions have some adoption mechanism in place for USDA covered species.

- Animals that need to be euthanized for scientific reasons are mostly still euthanized rather than requiring scientists to find different endpoints or simply not conduct research using that species (there have been pushes for both these concepts, though).
- Animals that are suitable for adoption, like control animals with good temperaments or retired military service dogs, are adopted out, usually via either an in-house process or through something like Homes for Heroes (dogs only right now). GSA has developed standardized policy/procedure to handle the transfer of government property.

- Retire in place isn't used as much because the institution bears the cost and responsibility, but it is used in some places – the National Primate Research Centers can't exactly send a macaque home with someone.

Some of the adoption programs were set up proactively and voluntarily, some forced into it following an ugly PR campaign and state legislation.

Hope that answers the question?

Cheers;
Jaimie

From: Cascio, Wayne <Cascio.Wayne@epa.gov>

Sent: Monday, May 3, 2021 8:26 AM

To: Robbins, Chris <Robbins.Chris@epa.gov>; Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>

Cc: Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>; Graff, Jaimie <Graff.Jaimie@epa.gov>

Subject: RE: fyi- animal testing

Chris – I'll ask Jaimie Graff to respond to the question you asked. Off hand I don't know the policies of all other agencies. I've copied Jaimie here.

I do want to comment on the following text of the proposed law.

'(4) COVERED ANIMAL.—4 ELT21253 175 S.L.C. 1 "(A) IN GENERAL.—The term 'covered 2 animal' means an animal that is unwanted, 3 abandoned, or otherwise in need of placement 4 in a home. 5 "(B) EXCLUSIONS.—The term 'covered 6 animal' does not include— 7 "(i) a rat of the genus *Rattus*; or 8 "(ii) a mouse of the genus *Mus*.

Note that the "covered animal" species exclude rats and mice. Thus the only animal species we have that is eligible to be "covered" is rabbit. However, a second test is required to meet the definition of "covered" and that is the animal is "unwanted, abandoned, or otherwise in need of placement in a home". Even when retired, our rabbits are not unwanted, abandoned or otherwise in need of placement". They are loved and cared for by the staff who have cared for them for years. Their living accommodations are excellent with ample space for activity that include hopping and enriching activities. Veterinary care is provided weekly and the state-of-health is reported to me as the Institution Official for the IACUC monthly.

Ex. 5 Deliberative Process (DP)

Wayne

Wayne E. Cascio, MD, FACC ([he/him/his, mypronouns.org](https://www.mypronouns.org)) | Director | Center for Public Health and Environmental Assessment | Office of Research and Development | U.S. Environmental Protection Agency | Research Triangle Park, NC 27711 | Phone: 919.541.2508 | Cell: Ex. 6 Personal Privacy (PP)

From: Robbins, Chris <Robbins.Chris@epa.gov>

Sent: Monday, May 03, 2021 7:30 AM

To: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>; Cascio, Wayne <Cascio.Wayne@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>

Cc: Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>

Subject: RE: fyi- animal testing

So do other agencies euthanize their animals or does Congress have them wrong as well?

Christopher S. Robbins (he/him/his)
Deputy Assistant Administrator for Management
Deputy Civil Rights Official
Office of Research and Development
(919) 541-0605
Mobile: Ex. 6 Personal Privacy (PP)

From: Orme-Zavaleta, Jennifer <Orme-Zavaleta.Jennifer@epa.gov>
Sent: Monday, May 3, 2021 7:12 AM
To: Robbins, Chris <Robbins.Chris@epa.gov>; Cascio, Wayne <Cascio.Wayne@epa.gov>; Thomas, Russell <Thomas.Russell@epa.gov>
Cc: Blackburn, Elizabeth <Blackburn.Elizabeth@epa.gov>
Subject: fyi- animal testing

Lawmakers Renew Efforts to Protect Animals in Government Labs

Bipartisan legislation builds on current policies at the Defense and Veterans Affairs departments, Food and Drug Administration and National Institutes of Health.

APRIL 29, 2021

- <!--[if !supportLists]--><!--[endif]-->
- <!--[if !supportLists]--><!--[endif]-->

A pair of bipartisan senators reintroduced a bill earlier this week that would facilitate the retirement or adoption of animals used in federal agencies' research.

Sens. Susan Collins, R-Maine, and Gary Peters, D-Mich., introduced the [Animal Freedom from Testing, Experimentation and Research Act](#) on Tuesday. About 20 agencies use animals for research, according to the [Government Accountability Office](#). The federal government experimented on about 38,000 animals (mainly cats, dogs, monkeys and rabbits) in fiscal 2019 for research purposes and many agencies currently don't have formal retirement or adoption policies for animals that aren't needed anymore. As a result, many are killed, said the senators in a [press release](#).

"There is no reason regulated lab animals that are suitable for adoption or retirement should be killed by federal agencies," Collins said. "Our bipartisan legislation would continue to build on the successful policies at [the Defense and Veterans Affairs departments, Food and Drug Administration and National Institutes of Health] while directing all other federal agencies to facilitate and encourage the retirement of animals to help ensure they are placed in loving homes or sanctuaries." She has championed previous legislative efforts to protect great apes and chimpanzees used in federal research.

The new bill would direct all agencies to develop their own regulations through the notice and comment process to ensure that animals "whenever possible, are retired and not killed," said the press release. It would also require veterinarians to evaluate animals mentally and physically before they leave agencies to help their transition to a new home.

The legislation would also encourage agencies to work with nonprofits to place retired animals in shelters and sanctuaries nationwide; not just those near the research facilities.

“Ensuring that animals no longer used in federal research can be adopted into loving homes is simply the right thing to do,” Peters said. “I am proud to partner with Senator Collins to reintroduce this bipartisan legislation that would encourage federal agencies to collaborate with the shelters that can provide these animals a safe, nurturing environment for the next phase of their lives.”

Sen. Jeanne Shaheen, D-N.H., is an original co-sponsor of the bill in July 2019. A House version was also introduced then.

The Maine Federation of Humane Societies and White Coat Waste Project, a watchdog group that advocates for more sensible spending as well as proper treatment of animals, support the bill.

“Taxpayers bought these animals, and a supermajority of us wants Uncle Sam to give them back,” Justin Goodman, vice president of advocacy and public policy of the group, said in a statement to *Government Executive* on Thursday. In recent years they have “successfully secured the retirement of kittens from the [Department of Agriculture], dogs from the VA, primates from the FDA and rabbits from the [Environmental Protection Agency] and helped enact formal lab animal adoption policies at the NIH, FDA and VA.”

Story Conti

Jennifer Orme-Zavaleta, PhD (she/her/hers)
Acting Assistant Administrator, and
Principal Deputy Assistant Administrator
Office of Research and Development
US Environmental Protection Agency

DC 202-564-6620

Cel [Ex. 6 Personal Privacy (PP)]